

1  
2  
3  
4  
5  
6  
7  
8  
9

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12

13 ANIPLEX, INCORPORATED, a Japanese corporation, ) 2:08-cv-00442-HDM-PAL  
14 )  
15 Plaintiff and Counter- )  
16 Defendant, ) ORDER  
17 vs. )  
18 )  
19 THE UPPER DECK COMPANY, a Nevada corporation, )  
20 )  
21 Defendant and )  
22 Counterclaimant. )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

---

20 The court has been advised as of November 29, 2011 that  
21 Defendant and Counterclaimant The Upper Deck Company has not paid  
22 any portion of the settlement sum to Plaintiff and Counter-  
23 Defendant Aniplex, Incorporated, and the full balance of  
24 \$3,950,000.00 remains outstanding. Accordingly, consistent with  
25 the terms of the parties' settlement agreement and this court's  
26 September 29, 2011 order, the Clerk of Court is directed to enter  
27 judgment in favor of Plaintiff and Counter-Defendant Aniplex,  
28

1 Incorporated and against Defendant and Counterclaimant The Upper  
2 Deck Company. Judgement shall be entered as follows:

3       1. Judgment is entered in favor of Plaintiff and  
4 Counter-Defendant Aniplex, Incorporated ("Aniplex") and against  
5 Defendant and Counterclaimant The Upper Deck Company  
6 ("Upper Deck") on Aniplex's claims. Aniplex shall recover from  
7 Upper Deck the amount of Three-Million, Nine-Hundred Fifty Thousand  
8 dollars (US \$3,950,000), plus post-judgment interest at the lawful  
9 rate from November 29, 2011 forward until fully paid, along with  
10 all costs allowable to a judgment creditor.

11       2. Judgment is entered in favor of Aniplex and against Upper  
12 Deck on Upper Deck's counterclaims. Upper Deck shall recover  
13 nothing on its counterclaims.

IT IS SO ORDERED.

DATED: This 30th day of November, 2011.

Howard D. McElhenny

UNITED STATES DISTRICT JUDGE